

UNITED STATES DISTRICT COURT
for the
District of Nebraska

United States of America

v.

Martin Noriega-Navarro

Date of Original Judgment: 02/11/2010

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Case No: 8:09CR212

USM No: 22965-047

David R. Stickman

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of _____ months **is reduced to** _____.


(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment dated 02/11/2010 shall remain in effect.

IT IS SO ORDERED.

Order Date: 02/25/2016

Effective Date: _____
(if different from order date)



Judge's signature

Laurie Smith Camp, Chief U.S. District Judge

Printed name and title

This page contains information that should not be filed in court unless under seal.
(Not for Public Disclosure)

Martin Noriega-Navarro

DEFENDANT: _____

CASE NUMBER: 8:09CR212

DISTRICT: District of Nebraska

I. COURT DETERMINATION OF GUIDELINE RANGE (*Prior to Any Departures*)

Previous Total Offense Level: _____ Amended Total Offense Level: _____

Criminal History Category: _____ Criminal History Category: _____

Previous Guideline Range: _____ to _____ months Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.

III. ADDITIONAL COMMENTS

The Defendant's pro se Motion to Reduce Sentence - USSC Amendment (Filing No. 146) is denied. Defense counsel's Motion to Withdraw (Filing No. 149) is granted, although the Court disagrees with counsel's statement that the "Defendant received a sentence lower at sentencing than what he would receive by application of Amendment 782." The record shows that the Defendant's original sentence was calculated based on Counts II and VIII (grouped) resulting in a higher offense level than would have been applicable to Count I (the controlled substance offense, also grouped). Therefore, a recalculation based on the restructured drug quantity table would not result in any change to his guidelines and his current release date would not change.